

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION TO EXCUSE
JUROR OR IN THE ALTERNATIVE FOR A MISTRIAL

The United States of America, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorneys Donald L. Cabell and Lisa Asiaf, hereby responds to the defendant's motion as follows.

The government believes that the Court's examination of the juror at issue showed that, notwithstanding her initial stated concerns, the juror can and will presume that the defendant is innocent unless and until proven guilty beyond a reasonable doubt. However, in light of the fact that the trial has been extremely brief and is likely to go to the jury on Wednesday, July 27, 2006, and in an effort to prevent this matter from escalating unnecessarily into a larger issue, the government would propose that the Court simply convert the juror at issue to the alternate and substitute the alternate juror in her place. The government opposes the defendant's motion in the alternative for a mistrial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/Donald L. Cabell
DONALD L. CABELL
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